



STATE OF DELAWARE
DEPARTMENT OF JUSTICE



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October 17, 2006

PLEASE REPLY TO: New Castle County – Civil Division

The Honorable Sue L. Robinson
United States District Court
844 N. King Street
Wilmington, DE 19801

Re: Duffy v. Department of State, C.A. No. 06-460-SLR

Dear Chief Judge Robinson:

Attached for your review is counsels' proposed scheduling order that will be discussed at the telephone conference on Thursday, October 19, 2006. At the conclusion of the conference, I can add the dates provided by the Court and file a complete scheduling order for your signature.

Thank you.

Respectfully submitted,

/s/ Marc Niedzielski
Marc Niedzielski
Deputy Attorney General

Electronic attachment

xc: Clerk of Court (via electronic delivery)
Roy S. Shiels, Esquire (via electronic delivery)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LORRAINE DUFFY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 06-460-SLR
	:	
DEPARTMENT OF STATE, an	:	(Jury trial demanded)
Agency of the State of Delaware,	:	
	:	
Defendant.	:	

ORDER

This day of , 2006, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties have/will exchange by **November 15, 2006**, the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Discovery.**

 (a) Discovery will be needed on the following subjects: *(brief description of subject on which discovery will be needed)*. This is a Title VII action wherein plaintiff claims discrimination based on gender. Discovery will be needed on issue of causation, damages and liability.

 (b) All discovery shall be commenced in time to be completed by **October 1, 2007**.

- (c) Maximum of **50** interrogatories by each party to any other party.
- (d) Maximum of **50** requests for admission by each party to any other party.
- (e) Maximum of **10** depositions by plaintiff and **10** by defendant.
- (f) Each deposition limited to a maximum of **7 hours** unless extended by agreement of parties.
- (g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by **May 31, 2007**. Rebuttal expert reports due by **July 31, 2007**.
- (h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of other Parties, Amendment of Pleadings, and Class Certification.** All motion to join other parties, amend the pleadings, and certify a class action shall be filed on or before **November 30, 2007**.

4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring the possibility of a settlement.

5. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before **December 15, 2007**. Briefing shall

be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All motions in limine shall be filed on or before [**two weeks before pretrial conference**]. All responses to said motions shall be filed on or before [**one week before pretrial conference**].

8. **Pretrial Conference.** A pretrial conference will be held on _____ at _____ in Courtroom No. 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a **four-day** jury trial commencing on _____ in Courtroom 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

Judge Sue L. Robinson